

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

ANTONIO VANTODD JENKINS

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Case No. 4:06cr298
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 7, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Glenn Jackson.

On June 11, 2007, Defendant was sentenced by the Honorable Marcia A. Crone to forty-six (46) months' custody followed by three (3) years of supervised release for the offense of Felon in Possession of a Firearm. On July 16, 2010, Defendant completed his period of imprisonment and began service of his supervised term. On October 5, 2010, this case was reassigned to the Honorable Richard A. Schell.

On October 6, 2010, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several conditions. Violation allegations two, three, and four were dismissed by the Government. The petition also alleged violation of the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within fifteen days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The petition alleges that Defendant committed the following acts with regard to the remaining violation: (1) Defendant submitted a urine specimen that tested positive for cocaine at Community Health Core in Paris, Texas, on July 28, 2010; and (2) On September 13, 2010, Defendant submitted a urine specimen that tested positive for marijuana at Community Health Core in Paris, Texas.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months followed by twenty-four (24) months of supervised release. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 8th day of March, 2011.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE